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10-10-02

Practitioner's Docket No.: 1372.34.

PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jaroszeski et al.

Examiner: Angell, Jon E.

Serial No.: 09/939,518

Art Unit: 1635

Filing Date: 08/24/2001

For: METHOD OF USING ELECTRIC  
FIELDS TO FACILITATE THE  
ENTRY OF MOLECULES INTO  
CELLS IN VIVOFaxed to Technology Center 1600 at (703) 872-9306  
Box Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231**DECLARATION TRAVERSING REJECTION**

37 CFR § 1.132

Dear Sir:

In its action dated May 9, 2002, the Office rejected Applicant's claims based on the following references:

- 1) Lucas et al. (DNA and Cell Biol. Vol. 20(3):183-8; March 2001); and
- 2) Heller et al. (DNA and Cell Biol. Vol. 20(1):21-6; January 2001).

Applicant herein declares that the above-mentioned references are Applicant's own work which Applicant invented and reduced to practice prior to the publication date of the reference.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Mark J. Jaroszeski, Ph.D.10-9-02  
Date

USF/PATENTS/ LICENSING Fax:813-974-8490

Oct 9 '02 12:10 P.02

Practitioner's Docket No. 1372.34

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark J. Jaroszeski et al.

Serial No.: 09/939,518

Filing Date: 08/24/2001

Title: Method of Using Electric Fields to Facilitate the Entry of Molecules into Cells in Vivo

Examiner: Jon E. Angell

Art Unit: 1635

Assistant Commissioner for Patents  
Washington, D.C. 20231**POWER OF ATTORNEY BY ASSIGNEE**  
(REVOCATION OF PRIOR POWERS)  
37 C.F.R. § 3.71(b)(1)

As an authorized representative to act on behalf of the assignee for the above identified patent,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

I hereby revoke all powers of attorney previously given and

**NEW POWER OF ATTORNEY**

I hereby appoint the following practitioners to prosecute and transact all business in the Patent and Trademark Office under:

**CUSTOMER NO. 21,901****SEND CORRESPONDENCE TO:**Smith & Hopen, P.A.  
15950 Bay Vista Drive, Suite 220  
Clearwater, FL 33760  
Customer No.: 21,901**DIRECT TELEPHONE/EMAIL TO:**Anton J. Hopen  
anton.hopen@baypatents.com  
(727) 507-8558**CERTIFICATE UNDER 37 CFR 3.73(b)**

The University of South Florida (herein "USF") certifies that they are the owner of the entire right, title, and interest in the patent application identified above by virtue of an assignment to USF dated December 13, 2001 by assignors Mark J. Jaroszeski, Richard Gilbert and Richard Heller, recorded in the United States Patent and Trademark Office at Reel/Frame 012538/0911 on January 29, 2002, a copy of which is attached hereto.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

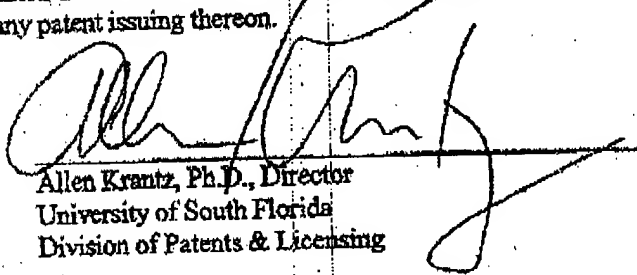
USF/PATENTS/ LICENSING Fax:813-974-8490

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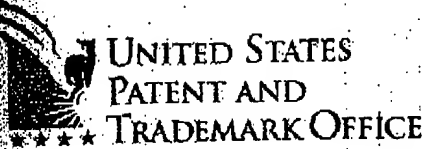
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Date:

10/9/02

Allen Krantz, Ph.D., Director  
University of South Florida  
Division of Patents & Licensing



APRIL 02, 2002

PTAS

ALLEN, DYER, DOPPELT, MILBRATH ET AL.  
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Washington, DC 20231  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/29/2002

REEL/FRAME: 012538/0911  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
JAROSZESKI, MARK J.

DOC DATE: 12/13/2001

ASSIGNOR:  
GILBERT, RICHARD

DOC DATE: 12/13/2001

ASSIGNOR:  
HELLER, RICHARD

DOC DATE: 12/13/2001

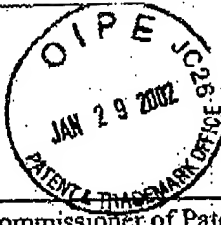
ASSIGNEE:  
SOUTH FLORIDA, UNIVERSITY OF  
4202 EAST FOWLER AVENUE, PAO 126  
DIVISION OF PATENTS AND LICENSING  
TAMPA, FLORIDA 33620

SERIAL NUMBER: 09939518  
PATENT NUMBER:

FILING DATE: 08/24/2001  
ISSUE DATE:

012538/0911 PAGE 2

VIOLET MCCOY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM TO-1619A  
Revised 06/30/99  
OMB 0651-0027

RECORD

02-06-2002



101974338

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

TO: The Commissioner of Patents and Trademarks. I have received the attached original document(s) or copy(ies).

**Submission Type**

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Reel # Frame #

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**Conveying Party(ies)**

(X) Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
**Dec. 13, 2001**Name (1) **Mark J. Jaroszeski**Name (2) **Richard Gilbert**Name (3) **Richard Heller**

Name (4)

Execution Date  
Month Day Year**Receiving Party**

( ) Mark if additional names of receiving parties attached

( ) If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Name (line 1) **University of South Florida**

Name (line 2)

Address (line 1) **Division of Patents and Licensing**Address (line 2) **4202 East Fowler Avenue, FAO 126**Address (line 3) **Tampa, FL 33620**

City State or Country Zip Code

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

FORM PTO-1619B

Revised 06/30/99

OMB 0651-0027

Page 2

U.S. Department of Commerce  
Patent and Trademark Office  
PATENT

Correspondent Name and Address

Area Code and Telephone Number (407) 841-2330

Name

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Address (line 3)

Post Office Box 3791

Address (line 4)

Orlando, FL 32801-3791

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

# 3

Application Number(s) or Patent Number(s)

( ) Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property)

Patent Application Number(s)

09/939,518

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was filed by the first named executing inventor:

Month Day Year

Patent Cooperation Treat (PCT)

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

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Number of Properties

Enter the total number of properties involved. # 1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

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Enclosed (X)

Deposit Account ( )

Deposit Account

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To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Carl M. Napolitano

Name of Person Signing

Signature

January 9, 2002

Date



## ASSIGNMENT

For One Dollar (\$1.00) and other good and valuable consideration received of the hereinafter named Assignee, receipt of which is hereby acknowledged, we, the undersigned, **Mark J. Jaroszeski**, of 1721 Sassafra Drive, Wesley Chapel, FL 33543, **Richard Gilbert**, of 10740 N. 56th Street #108, Tampa, FL 33617, and **Richard Heller**, of 509 Terrace Hill Drive, Temple Terrace, FL 33617, have assigned all right, title, and interest to the **UNIVERSITY OF SOUTH FLORIDA** (hereinafter "USF"), acting for and on behalf of the Board of Regents, a public corporation of the State of Florida, USF having a place of business at 4202 East Fowler Avenue, FAO 126, Tampa, FL 33620-7900, its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries, in and to the inventions and discoveries in

### METHOD OF USING ELECTRIC FIELDS TO FACILITATE THE ENTRY OF MOLECULES INTO CELLS IN VIVO

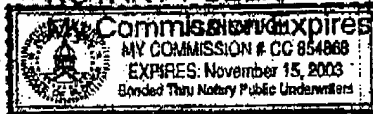
having **USF Disclosure Number 01A043** and set forth in the application for United States Letters Patent to be filed on August 24, 2001 said application for United States Letters Patent, any and all other applications for Letters Patent on said inventions and discoveries in countries foreign to the United States, including all provisional, utility, divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions and discoveries or upon said applications, and any and all Letters Patent and reissues and extension of Letters Patent granted for said inventions and discoveries or upon said applications and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions and discoveries in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents of the United States of America and the empowered officials of all other governments being hereby authorized to issue or transfer all said Letters Patent to Assignee in accordance herewith; this Assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right heretofore given, and that the undersigned will do all acts reasonably serving to assure that the said inventions and discoveries, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned in this Assignment has not made, and particularly to execute and deliver to said Assignee all lawful documents, including petitions, and specifications, oaths, assignments, invention disclaimers and lawful affidavits in form and in substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions and discoveries or the history thereof and any and all documents, photographs, models, samples, or other physical exhibits which may be useful for establishing the facts of conception, disclosure, and reduction to practice of said inventions and discoveries, and to testify in any proceedings relating to said inventions and discoveries, patent applications and Letters Patent.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on the day and year set forth below.

Date: 12/13/01Mark J. Jaroszeski  
MARK J. JAROSZESKI

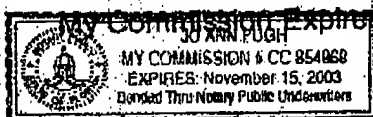
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

On this 13<sup>th</sup> day of December, 2001, before me personally appeared the above-named **Mark J. Jaroszeski**, to me personally known as the individual who executed the foregoing assignment, and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

JoAnn Pugh  
NOTARY PUBLICDate: 12/13/01Richard Gilbert  
RICHARD GILBERT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

On this 13<sup>th</sup> day of December, 2001, before me personally appeared the above-named **Richard Gilbert**, to me personally known as the individual who executed the foregoing assignment, and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

JoAnn Pugh  
NOTARY PUBLIC

Date: 12/13/01  
\_\_\_\_\_  
RICHARD HELLERSTATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

On this 13<sup>th</sup> day of December, 2001, before me personally appeared the above-named **Richard Heller**, to me personally known as the individual who executed the foregoing assignment, and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Comm

